

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

ANTHONY ELDER,)	C/A NO.:
)	
Plaintiff,)	
)	
v.)	
)	
SOUTH CAROLINA PORTS)	
AUTHORITY, JAMES I. NEWSOME, III,)	
AND WILLIAM ANGELICH,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants South Carolina Ports Authority (“SCPA”), James I. Newsome, III (“Newsome”), and William Angelich (“Angelich”) (collectively, “Defendants”) submit this Notice of Removal to the United States District Court for the District of South Carolina, Spartanburg Division. In support of removal, Defendants show as follows:

1. Plaintiff filed a civil action against Defendants in the Court of Common Pleas for Greenville County, South Carolina, on June 25, 2021, Civil Action No. 2021-CP-23-03051.
2. The Complaint was served on Defendant SCPA and Defendant Newsome on July 16, 2021. The undersigned accepted service of the Summons and Complaint on behalf of Defendant Angelich on July 23, 2021.
3. Plaintiff’s initial Complaint was filed in an improper venue. Upon learning that the SCPA facility in which Plaintiff was employed is located in Spartanburg County, South Carolina, Plaintiff filed a Motion to Transfer Venue to Spartanburg County. The court granted said Motion and transferred the case to Spartanburg County on August 4, 2021, assigning the case a new case number—2021-CP-42-02518.

4. This Notice of Removal is being filed and served within thirty (30) days of Defendants' receipt of the Summons and Complaint in accordance with 28 U.S.C. § 1446(b).

5. A copy of all process and pleadings served upon Defendants is attached hereto as **Exhibit A** in accordance with 28 U.S.C. § 1446(a).

6. A copy of this Notice of Removal is being filed with the Clerk of the Spartanburg County Court of Common Pleas and served upon Plaintiff's counsel of record, as required by 28 U.S.C § 1446(d) and Local Civil Rule 83.IV.01 DSC.

FEDERAL QUESTION JURISDICTION

7. This Court has original jurisdiction over this action by virtue of 28 U.S.C. § 1331 because it involves claims arising under the laws of the United States. More specifically, Plaintiff's Complaint includes a federal claim under 42 U.S.C. § 1983 ("Section 1983"). (Compl. ¶¶ 22-33.)

8. Therefore, this action could originally have been brought before this Court pursuant to 28 U.S.C. § 1331 and may be removed by Defendant pursuant to 28 U.S.C. § 1441.

SUPPLEMENTAL JURISDICTION

9. In addition to the federal claim identified above, Plaintiff's Complaint asserts a state law claim for "Public Policy—Wrongful Discharge" under S.C. Code § 16-17-560. (Compl. ¶¶ 51-56 (Second Cause of Action).)

10. This Court has supplemental jurisdiction over Plaintiff's state law claim. Pursuant to 28 U.S.C. § 1367, this court has supplemental jurisdiction over all other claims that are so related to Plaintiff's federal cause of action "that they form part of the same case or controversy under Article III of the United States Constitution." State law claims fall within this Court's supplemental jurisdiction when they share with the federal claims "a common nucleus of operative

fact . . . such that [the plaintiff] would ordinarily be expected to try them all in one judicial proceeding.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 725 (1966).

11. Here, Plaintiff’s state law claim for “Public Policy—Wrongful Discharge” relates closely to his Section 1983 claim. All of Plaintiff’s claims arise out of a common nucleus of operative facts, including Plaintiff’s employment with Defendant SCPA and his separation therefrom. Therefore, this Court has supplemental jurisdiction over Plaintiff’s state law claim pursuant to 28 U.S.C. § 1367.

12. Moreover, there is no reason why this Court should not exercise supplemental jurisdiction over Plaintiff’s state law claim. Plaintiff’s state law claim neither raises novel nor complex issues of state law, nor does it predominate over the claim over which this Court has original jurisdiction, and there are no exceptional circumstances or other compelling reasons for this Court to decline supplemental jurisdiction. *See* 28 U.S.C. § 1367(c). Thus, removal is proper under 28 U.S.C. § 1441(c).

VENUE

13. The United States District Court for the District of South Carolina, Spartanburg Division, is the federal judicial district embracing the Spartanburg County Court of Common Pleas, to which this action was transferred by Plaintiff and is currently pending. Further, the events alleged in the Complaint are alleged to have occurred in Spartanburg County, South Carolina. Accordingly, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

CONSENT AND REMOVAL REQUIREMENTS

14. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached herewith, and incorporated by reference, a copy of the Summons and Complaint filed in this action on June 25, 2021, as well as Plaintiff’s Motion to Transfer Venue to Spartanburg County and the Court’s

August 4, 2021 Order granting the same and transferring the case to Spartanburg County, where the case was assigned Civil Action No. 2021-CP-42-02518.

15. All Defendants consent to this removal as required by 28 U.S.C. § 1446(b).

16. Written notice of the filing of this Notice of Removal will be given to Plaintiff as required by law.

17. A true copy of this Notice of Removal is being filed with the Clerk of Court for the Court of Common Pleas, Spartanburg County, South Carolina, as required by law.

WHEREFORE, Defendant prays that the action now pending in the Spartanburg County Court of Common Pleas be removed to the United States District Court of the District of South Carolina, Spartanburg Division.

Dated this 16th day of August, 2021.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
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